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| 10/674,934 | 09/29/2003 | Mark Christopher Long | 111855.00003 | 5177 |

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EXAMINER

MYINT, DENNIS Y

ART UNIT PAPER NUMBER

2162

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,934

Applicant(s)

LONG, MARK CHRISTOPHER

Examiner

Dennis Myint

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s), including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-31 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haynes et al. (U.S. Patent Application Publication Number 2005/0261986) in view of Kolls (U.S. Patent No. 6389337).

As per claim 1, Hayes is directed to a method of matching vehicle ratings to rental equipment using a central database (Haynes et al., Paragraph 0015), comprising:

storing vehicle information and rental equipment information in the central database (Haynes et al., Paragraph 0054, i.e., "A first program module which may access rental rate information, which may be stored as a portion of the truck information 28 in a relational database ... " and Figure 1, "Backend" and "Truck Information" 28);

providing a website for a user to select a truck (vehicle) to be rented (Haynes et al., Paragraph 0053, i.e., "web server 12" and "...to respective web browsers of each computer associated with each respective user 24, 26. ");

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searching the central database based on the description of the vehicle to find related vehicle information (Hayes et al., Paragraph 0053, i.e. "processing user inputs and for accessing a memory storing a plurality of data sets relating to");

identifying rental equipment in the central database which is compatible with the vehicle by a comparison of the rental equipment information to the vehicle information; and displaying the compatible rental equipment on the website (Hayes et al., Paragraph 0058., i.e., "The towing table 34 may store data structures shown, for example, in Fig. 30, for retaining vehicle information, such as the sample towability records for specific vehicles..." and "a user 24 may select equipment including a selection of a truck for rental and a selection of a vehicle type for towing by the selected truck, and in response the server 12 accesses the towing table 34 to determine if the selected is capable of being towed by the selected truck, and to generate a towing advice indication to the user as to whether the selected truck is appropriate for towing the selected vehicle...").

However, Hayes et al. does not explicitly disclose that the user specifies the vehicle which would use the rental equipment by entering data on the rental website. In other words, the user already has his/her own vehicle, which would tow something that could be towed employing the rental equipment. However, Kolls teaches a method and system for procuring automotive service and replacement parts wherein users specify the information of their own vehicles to find parts which are compatible with their vehicle via a network communication system (Kolls, Column 2 Line 21-31 and Column 8, Line 42-67).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the method of Hayes et al. for reserving a rental truck, a rental equipment compatible both with that truck and the vehicle to be towed with the method and system of Kolls for searching/identifying replacements based on vehicle information provided by the user so that, in the combined method and system, the user would enter vehicle information to obtain compatible rental equipment for an intended task such as towing another vehicle. One would have been motivated to do so simply because it is known in the art that towing capacity of a vehicle must match that of the towing equipment and the vehicle that is to be towed.

As per claim 2, Hayes et al. in view of Kolls is directed to the method of claim 1, wherein the description of the vehicle includes make, model, and year of the vehicle. Kolls, Column 2 Line 21-31 and Column 8 Line 42-67 describes obtaining vehicle information, which inherently includes make, model, year of the vehicle.

As per claim 3, Hayes et al. in view of Kolls is directed to the method of claim 2, further including the step of providing a webpage to enter the make, model, and year of the vehicle. Note that Hayes et al. in view of Kolls provides a web page to the user for selecting/specifying said information (Hayes et al., Paragraph 0053, i.e., "web server 12" and "...to respective web browsers of each computer associated with each respective user 24, 26.).

As per claim 4, Hayes et al. in view of Kolls is directed to the method of claim 1, wherein the vehicle information in the central database includes physical characteristics of the vehicle (Hayes et al., Paragraph 0054, i.e. "truck types, sizes...").

As per claim 5, Hayes et al. in view of Kolls is directed to the method of claim 4, wherein the physical characteristics of the vehicle include height, width, length, weight, and ground clearance. (Hayes et al., Paragraph 0054, i.e. "truck types, sizes..."). Vehicle height, width, length, and ground clearance are inherent in vehicle types and sizes.

As per claim 6, Hayes et al. in view of Kolls is directed to the method of claim 4, wherein the physical characteristics of the vehicle are compared to physical characteristics of the rental equipment to determine compatibility between the vehicle and the rental equipment (Hayes et al., Paragraph 0058, i.e., "The towing table 34 may store data structures shown, for example, in Fig. 30, for retaining vehicle information, such as the sample towability records for specific vehicles..." and "a user 24 may select equipment including a selection of a truck for rental and a selection of a vehicle type for towing by the selected truck, and in response the server 12 accesses the towing table 34 to determine if the selected is capable of being towed by the selected truck, and to generate a towing advice indication to the user as to whether the selected truck is appropriate for towing the selected vehicle...").

As per claim 7, Hayes et al. in view of Kolls is directed to the method of claim 1, wherein the central database resides on a first computer system (Hayes et al., Figure 1, "Backend" and "Truck Information" 28).

As per claim 8, Hayes et al. in view of Kolls is directed to the method of claim 7, further including entering the description of the vehicle on a second computer system remote from the first computer system, sending the description of the vehicle to the first

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computer system through a communication network, sending a listing of the compatible rental equipment to the second computer system through the communication network, and displaying the listing of the compatible rental equipment on the second computer system. Note that the method and system of Hayes et al. in view of Kolls is a web-based system. Therefore, there is at least a web server connected to the backend server (first computer) and the user's computer where a web browser is run to make reservation for rental equipment.

As per claim 9, Hayes et al. in view of Kolls is directed to the method of claim 8, further including determining a need for additional information based on a search of the central database with the description of the vehicle and requesting the additional information from a user operating the second computer system. Official note is taken that requesting for information, which is additionally needed for a search, is notoriously well known in the art.

Claim 10 and 11 are rejected based on claim 1.

Claim 12, 13, 14, 15, 16, 17, 18, 19, and 20 are rejected on the same basis as 3, 6, 2, 4, 5, 6, 7, 8, and 9 respectively.

Claim 21, 22, 23, and 24 are rejected on the same basis as claim 1, 3, 1, and 6 respectively.

Claim 25, 26, 27, 28, 29, 30 and 31 are rejected on the same basis as claim 1, 4, 6, 1, 8, 1, and 6.

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Conclusion

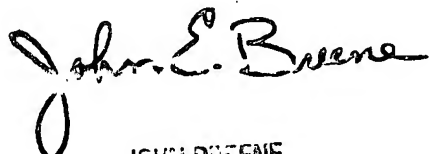
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dennis Myint

AU-2162


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